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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,432	02/28/2002	Martin De Loye	Q68486	6237

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EXAMINER

DANIEL JR, WILLIE J

ART UNIT	PAPER NUMBER
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2686

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/084,432

Applicant(s)

DE LOYE ET AL.

Examiner

Willie J. Daniel, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to applicant's amendment filed on 02 February 2005. **Claims 1-9** are now pending in the present application.

Drawings

2. The objection to the drawing is withdrawn, as the proposed drawing correction is approved.

Specification

3. The objections to the specification are withdrawn, as the proposed specification corrections are approved.

Claim Objections

4. The objection to the claim is withdrawn, as the proposed claim correction is approved.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Lu et al.**

(hereinafter Lu) (**US 5,99,813**) in view of **Chawla et al.** (hereinafter Chawla) (**US 6,771,661 B1**).

Regarding **Claim 1**, Lu discloses a cellular cPBX system (200) which reads on the claimed “wireless corporate communication system” comprising a private branch exchange (cPBX 206), at least one base station (210) coupled with said private branch exchange (206), and a plurality of mobile station unites (MS 212) which reads on the claimed “corporate radio terminals” under the range of said base station (210) (see col. 6, lines 42-55; Figs. 3A-4A, 7), wherein

said private branch exchange (206) comprises means (254, RR - radio resource manager) for controlling the amount of resources allocated to each of said corporate radio terminals (212) (see col. 18, lines 44-60; col. 6, lines 44-55; col. 7, lines 4-10; col. 8, lines 11-24, 41-47; col. 10, lines 1-3; col. 5, lines 16-28; Figs. 3A-4A, 7), where the cPBX allocates resources to mobile stations (212) in the cPBX system (206). Lu fails to disclose having the feature said base station comprising means for indicating to said corporate radio terminals the amount of resources they are allocated. However, the examiner maintains that the feature said base

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station comprising means for indicating to said corporate radio terminals the amount of resources they are allocated was well known in the art, as taught by Chawla.

In the same field of endeavor, Chawla discloses the feature said base station comprises means for indicating to said voice, facsimile, computer terminal (210, 211, 212) which reads on the claimed “corporate radio terminals” the amount of bandwidth which reads on the claimed “resources” they are allocated (see col. 10, line 65 - col. 11, line 34; col. 11, lines 55-62; col. 12, lines 6-25; Figs. 3-5), where the data communications device (201-1, e.g., PBX) provides bandwidth to the terminals (210) of the communication network (200) in which the base station and means would be inherent for communicating over a wireless transmission link.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lu and Chawla to have the feature said base station comprising means for indicating to said corporate radio terminals the amount of resources they are allocated, in order to allow data communication devices to automatically and dynamically adjust bandwidth, as taught by Chawla (see col. 12, lines 19-32; col. 8, lines 37-46).

Regarding **Claim 2**, Lu discloses a private branch exchange adapted to be coupled to a base station (210), said private branch exchange (206) comprising a BSC (208) which reads on the claimed “switch” establishing communications to/from corporate radio terminals (212) located under the range of said base station (210) (see col. 7, lines 4-10; col. 8, lines 11-24, 41-47; col. 10, lines 1-3; Figs. 3A-4A, 7), wherein said private branch exchange (206) comprises:

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means (254) for controlling the amount of resources allocated to each of said corporate radio terminals (212) (see col. 18, lines 44-60; col. 6, lines 44-55; col. 7, lines 4-10; col. 8, lines 11-24, 41-47; col. 10, lines 1-3; col. 5, lines 16-28; Figs. 3A-4A, 7), where the cPBX allocates resources to mobile stations (212) in the cPBX system (206). Lu fails to disclose having the feature means for sending messages to said base station comprising the amount of resources allocated to each of said corporate radio terminal. However, the examiner maintains that the feature means for sending messages to said base station comprising the amount of resources allocated to each of said corporate radio terminal was well known in the art, as taught by Chawla.

Chawla further discloses the feature means for sending allocation information which reads on the claimed "messages" to said base station comprising the amount of resources (bandwidth) allocated to each of said corporate radio terminal (210) (see col. 10, line 65 - col. 11, line 34; col. 11, lines 55-62; col. 12, lines 6-25; Figs. 3-5, 7 "ref. 500"), where the data communications device (201-1, e.g., PBX) provides bandwidth to the terminals (210) according to the bandwidth information (e.g., event, times, topology changes, or occurrences) in which the base station and means would be inherent for communicating over a wireless transmission link.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lu and Chawla to have the feature means for sending messages to said base station comprising the amount of resources allocated to each of said corporate radio terminal, in order to allow data communication

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devices to automatically and dynamically adjust bandwidth, as taught by Chawla (see col. 12, lines 19-32; col. 8, lines 37-46).

Regarding **Claim 3**, Lu discloses a private branch exchange (206) according to claim 2, further comprising a registry (252) which reads on the claimed “database” storing user profiles of said corporate radio terminals (212) (see col. 7, line 59 - col. 8, line 10; col. 9, lines 8-13; col. 27, lines 34-45; Figs. 3A-4A, 7, 13A), where the HLR/VLR registry (database) maintain information of the user for providing services in which the profile would be obvious. Lu fails to disclose having the feature said amount of resources allocated to a corporate radio terminal depending on the profile of said corporate radio terminal stored in said database. However, the examiner maintains that the feature said amount of resources allocated to a corporate radio terminal depending on the profile of said corporate radio terminal stored in said database was well known in the art, as taught by Chawla.

Chawla further discloses the feature said amount of resources (bandwidth) allocated to a corporate radio terminal (210) depending on the profile of said corporate radio terminal (210) stored in said network policy resource allocation table (400) which reads on the claimed “database” (see col. 13, line 7 - col. 14, line 58; col. 10, line 65 - col. 11, line 34; col. 11, lines 55-62; col. 12, lines 6-25; Figs. 3-5, 6 “ref. 400”, 7), where the data communications device (201-1, e.g., PBX) has a table (400) for indicating the resources to be allocated to the terminals (210) such as during a typical twenty-four hour period in which the profile would be inherent for providing an individual terminal with resources.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lu and Chawla to have the feature said

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amount of resources allocated to a corporate radio terminal depending on the profile of said corporate radio terminal stored in said database, in order to allow data communication devices to automatically and dynamically adjust bandwidth, as taught by Chawla (see col. 8, lines 37-46).

Regarding **Claim 4**, Lu discloses a cPBX system (200) (see Figs. 3A-4A, 7), where the system (200) is connected to a public network (202). Lu fails to disclose having the feature wherein said amount of resources allocated to a corporate radio terminal communicating with a public communication network over said corporate communication system depends on the effective amount of data destined to said corporate radio terminal and received at the interface between said corporate communication system and said public communication network. However, the examiner maintains that the feature wherein said amount of resources allocated to a corporate radio terminal communicating with a public communication network over said corporate communication system depends on the effective amount of data destined to said corporate radio terminal and received at the interface between said corporate communication system and said public communication network was well known in the art, as taught by Chawla.

Chawla further discloses the feature wherein said amount of resources allocated to a corporate radio terminal (210) communicating with a public communication network (e.g., Internet, extranets, or WAN's) over said corporate communication system (200) depends on the effective amount of data destined to said corporate radio terminal (210) and received at the interface between said corporate communication system (200) and said public communication network (e.g., Internet, extranets, or WAN's) (see col. 10, line 65 - col. 11,

line 34; col. 11, lines 55-62; col. 12, lines 6-32; Figs. 3-5, 7), where the data communications device (201-1, e.g., PBX) provides resources to be allocated to the terminals (210) for communicating with connected networks.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lu and Chawla to have the feature wherein said amount of resources allocated to a corporate radio terminal communicating with a public communication network over said corporate communication system depends on the effective amount of data destined to said corporate radio terminal and received at the interface between said corporate communication system and said public communication network, in order to allow data communication devices to automatically and dynamically adjust bandwidth, as taught by Chawla (see col. 8, lines 37-46).

Regarding **Claim 5**, the combination of Lu and Chawla discloses every limitation claimed, as applied above (see claim 2), in addition Lu further discloses a private branch exchange (206) according to claim 2, wherein said amount of resources allocated to a corporate radio terminal (212) depends on the amount of traffic in said private branch exchange (206) (see col. 8, lines 11-24, 41-47; col. 18, lines 44-60; Figs. 3A-4A, 7).

Regarding **Claim 6**, Lu fails to disclose having the feature wherein said amount of resources allocated to a corporate radio terminal is dynamically updated during a communication to/from said corporate radio terminal. However, the examiner maintains that the feature wherein said amount of resources allocated to a corporate radio terminal is dynamically updated during a communication to/from said corporate radio terminal was well known in the art, as taught by Chawla.

Chawla further discloses the feature wherein said amount of resources allocated to a corporate radio terminal (210) is dynamically updated during a communication to/from said corporate radio terminal (210) (see col. 10, line 65 - col. 11, line 34; col. 11, lines 55-62; col. 12, lines 6-25, 33-57; Figs. 3-5, 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lu and Chawla to have the feature wherein said amount of resources allocated to a corporate radio terminal is dynamically updated during a communication to/from said corporate radio terminal, in order to allow data communication devices to automatically and dynamically adjust bandwidth, as taught by Chawla (see col. 8, lines 37-46).

Regarding **Claim 7**, Lu discloses a base station (210) adapted to be coupled to a private branch exchange (206) comprising a TRX module (530) which reads on the claimed "module" for sending data which reads on the claimed "messages" to corporate radio terminals (212) under the range of said base station (210) (see col. 19, lines 34-38, 61; col. 20, lines 1-27; Figs. 3A-4A, 7-9). Lu fails to disclose having the feature indicating the amount of resources each of said corporate radio terminal is allocated, said amount of resources being determined by said private branch exchange. However, the examiner maintains that the feature indicating the amount of resources each of said corporate radio terminal is allocated, said amount of resources being determined by said private branch exchange was well known in the art, as taught by Chawla.

Chawla further discloses the feature indicating the amount of resources each of said corporate radio terminal (210) is allocated, said amount of resources being determined by

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said private branch exchange (201-1) (see col. 10, line 65 - col. 11, line 34; col. 11, lines 55-62; col. 12, lines 6-25; col. 13, lines 6-20; Figs. 3-5, 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lu and Chawla to have the feature indicating the amount of resources each of said corporate radio terminal is allocated, said amount of resources being determined by said private branch exchange, in order to allow data communication devices to automatically and dynamically adjust bandwidth, as taught by Chawla (see col. 8, lines 37-46).

Regarding **Claim 8**, Lu fails to disclose having the feature wherein said amount of resources allocated to each of said corporate radio terminal is dynamically updated during a communication to/from said corporate radio terminal. However, the examiner maintains that the feature wherein said amount of resources allocated to each of said corporate radio terminal is dynamically updated during a communication to/from said corporate radio terminal was well known in the art, as taught by Chawla.

Chawla further discloses the feature wherein said amount of resources allocated to each of said corporate radio terminal (210) is dynamically updated during a communication to/from said corporate radio terminal (210) (see col. 10, line 65 - col. 11, line 34; col. 11, lines 47-62; col. 12, lines 6-25, 33-57; Figs. 3-5, 7), where the resources is dynamically adjusted for the terminals, for example, during times of day for business cycle.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lu and Chawla to have the feature wherein said amount of resources allocated to each of said corporate radio terminal is

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dynamically updated during a communication to/from said corporate radio terminal, in order to allow data communication devices to automatically and dynamically adjust bandwidth, as taught by Chawla (see col. 12, lines 19-32; col. 8, lines 37-46).

Regarding **Claim 9**, Lu fails to disclose having the feature wherein said amount of resources is dynamically updated during a communication to/from said corporate radio terminal. However, the examiner maintains that the feature wherein said amount of resources is dynamically updated during a communication to/from said corporate radio terminal was well known in the art, as taught by Chawla.

Chawla further discloses the feature wherein said amount of resources is dynamically updated during a communication to/from said corporate radio terminal (210) (see col. 10, line 65 - col. 11, line 34; col. 11, lines 47-62; col. 12, lines 6-25, 33-57; Figs. 3-5, 7), where the amount of resources is dynamically adjusted.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lu and Chawla to have the feature wherein said amount of resources allocated is dynamically updated during a communication to/from said corporate radio terminal, in order to allow data communication devices to automatically and dynamically adjust bandwidth, as taught by Chawla (see col. 12, lines 19-32; col. 8, lines 37-46).

Response to Arguments

6. Applicant's arguments filed 02 February 2005 have been fully considered but they are not persuasive.

Examiner respectfully disagrees with applicant's arguments as the applied reference(s) provide more than adequate support and to further clarify (see the above claims and comments in this section).

7. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).
8. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, regarding applicant's argument on pg. 9, 3rd paragraph "...no suggestion or motivation...", both Lu and Chawla relate to the same field of endeavor which is communications. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Lu and Chawla to have the feature indicating the amount of resources each of said corporate radio terminal is allocated, in order to allow data communication devices to automatically

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and dynamically adjust bandwidth, as taught by Chawla (see col. 8, lines 37-46; col. 12, lines 19-32; Figs. 3, 5).

9. Regarding applicant's argument on pg. 10, 4th paragraph, "Chawla fails to teach or suggest indicating to each of the corporate radio terminals the amount of resources it is allocated", Examiner respectfully disagrees. Chawla discloses indicating to each of the voice, facsimile, computer terminal (210, 211, 212) which reads on the claimed "corporate radio terminals" the amount of bandwidth which reads on the claimed "resources" it is allocated (see col. 10, line 65 - col. 11, line 34; col. 11, lines 47-62; col. 12, lines 6-25; Figs. 3-5), where the data communications device (201-1, e.g., PBX) provides bandwidth to the terminals (210) of the communication network (200) in which each terminal is provided with allocation information. The allocation information for the terminals indicates the bandwidth (e.g., resources) for each terminal at current time (e.g., communications session) and for future events in which the bandwidth will automatically and dynamically adjust.

Conclusion

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory

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period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Willie J. Daniel, Jr. whose telephone number is (571) 272-7907. The examiner can normally be reached on 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WJD,JR
19 June 2005

Marsha D Banks-Harold
MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Approved
06/19/2005

